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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,843	12/21/2004	Lutz Schneidercit	AT 020044	1284

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EXAMINER

PHAM, VAN T

ART UNIT	PAPER NUMBER
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2627

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/518,843

Applicant(s)

SCHNEIDEREIT ET AL.

Examiner

VAN T. PHAM

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 15-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 15-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 January 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/05/2007 has been entered.

Response to Arguments

2. Applicant's arguments filed 01/05/2007 have been fully considered but they are not persuasive.

Applicant's asserted, "Kawamura uses the conventional technique of using an XOR function to produce the two complement (negation) of a number, for determining the sector address of a layer that is recorded in the 'reverse' direction (outside to inside). Kawamura does not teach using the XOR function for creating a data –dependent identifier; Kawamura's sector addresses relate to the physical properties of the disk, and are unrelated to the data that may subsequently be placed on the disk" which is incorrect. Kawamura, see Figs. 9-15, discloses an identification data comprises at least one track (see Fig. 9), wherein the identification data is formed from a part identification cloaks by means of a gating function (see Fig. 10, and cols. 5-6), wherein a part identification block is formed from the items of start position information (see col. 8, lines 3-14), characterized in that the part identification block is formed from the items of start position information by means of an XOR gating operation and an XOR gating operation is then likewise used as a gating function (see Figs. 9-15, wherein Fig. 13 discloses in the filed name has first track number offset, and number of tracks...ect. Not only Kawamura discloses

determining the sector address for a layer but determining "Track Start Address" and "Track End Address", and so forth by using the XOR gating function (see cols. 6-8).

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 17-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory matter.

Claim 17 is drawn to "computer software" per se as recited in the preamble and as such is non-statutory subject matter. See MPEP § 2106.IV.B. 1 .a.

Regarding claim 17, note that data structures not claimed as embodied in computer readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory). Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention, which permit the data structure's functionality to be realized. In contrast, a claimed computer readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory. Similarly, computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships

between the computer program and other claimed elements of a computer, which permit the computer program's functionality to be realized.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-11, 15-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woodward (US 2003/0028721) in view of Kawamura et al. (US 6,424,614).

Regarding claim 1, Woodward discloses a method of generating an identification data block for a data carrier which data carrier comprises at least one track (see Fig. 4), wherein each track is defined by an item of start position information (see Fig. 4), wherein the identification data block is formed from part identification blocks, wherein a first part identification block is formed from the items of start position information (see Fig. 4) and a second part identification block is formed from a total number of tracks on the data carrier (see abstract and Figs. 4-5). However, Woodward does not disclose the identification data block by means of a gating function and the first part identification block is formed from the items of start position information by means of an XOR gating operation and an XOR gating operation is then likewise used as a gating function.

Kawamura, discloses the sector address of the TOC are by means a gating function and an XOR gating operation is then likewise used as a gating function and total number of tracks and start position of the data (Figs. 10-15).

Regarding claim 2, the combination of Woodward and Kawamura, discloses a method as claimed in claim 1, wherein at least one track comprises a number of files having file names (Kawamura Fig. 11), use being made for generating the identification data block of, in addition, the file names to generate a third identification data block.

Regarding claim 3, the combination of Woodward and Kawamura, discloses a method as claimed in claim 2, wherein characters of the file names are each individually gated by an XOR function (Kawamura Figs. 9-10).

Regarding claim 4, the combination of Woodward and Kawamura, discloses a method as claimed in claim 2, wherein use is made for generating the identification data block of, in addition, a fourth part identification block, the total number of files, which is formed by the number of files, being used to generate the fourth identification data block.

Regarding claim 5, the combination of Woodward and Kawamura, discloses a method as claimed in claim 1, wherein a data block having four bytes is generated as an identification data block (see Kawamura Fig. 11).

Regarding claim 6, the combination of Woodward and Kawamura, discloses a method as claimed in claim 5, wherein a data block having a single byte is generated as a second part identification data and while generating the identification data block by the XOR gating to generate the identification data block, the second part identification block is set to a fourth byte position in the identification data block (see Kawamura Figs. 9-15).

Regarding claim 7, the combination of Woodward and Kawamura, discloses a method as claimed in claim 5, wherein a data block having three bytes is generated as a first part identification block and while generating the identification data block by the XOR gating to

generate the identification data block, this second part identification block is set to a second byte position in the identification data block. (see Kawamura Figs. 9-14).

Regarding claim 8, see rejection above of claim 1.

Regarding claim 9, see rejection above of claim 2.

Regarding claim 10, see rejection above of claim 3.

Regarding claim 11, see rejection above of claim 4.

Regarding claim 15, the combination of Woodward and Kawamura, discloses the method according to claim 1 wherein the reproducing arrangement includes receiving means for receiving a data carrier (see Woodward Fig. 3 and Kawamura Figs. 1-2).

Regarding claim 16, the combination of Woodward and Kawamura, discloses the method according to claim 15 wherein the receiving means is a changer module that is arranged to reproduce information or data that has been stored digitally, the digitally stored information being stored on the data carriers for optical reading and rotated at an angular velocity (see Woodward Fig. 3 and Kawamura Figs. 1-2, 16 and their descriptions and inherently).

Regarding claim 17, see rejection above of claim 1.

Regarding claim 18, the combination of Woodward and Kawamura, discloses a computer software product as claimed in claim 17, wherein the product is stored on a computer-readable medium (see Woodward Fig. 3 and Kawamura Figs. 1-2).

Regarding claim 19, see rejection above of claim 1 (noted that the claim referrer to segments instead of tracks, but which is readable the combination of Woodward and Kawamura).

Regarding claim 20, the combination of Woodward and Kawamura, discloses the system of claim 19, wherein at least one segment includes one or more files (see Kawamura Figs. 11-15).

and col. 5 and Woodward Figs. 5-6), and the processing unit includes a third generator that is configured to create a third element based on names of the one or more files, and the gating device is configured to create the identifier based on an exclusive-OR function applied to the third element (see Kawamura Figs. 9-10 and cols. 5-6 and Woodward Figs. 5-6).

Regarding claim 21, the combination of Woodward and Kawamura, discloses the system of claim 20, wherein the third element is based on an exclusive-OR function applied to two or more characters of the names (see Kawamura Figs. 9-10 and cols. 5-6 and Woodward Figs. 5-6).

Regarding claim 22, the combination of Woodward and Kawamura, discloses the system of claim 20, wherein the processing unit includes a fourth generator that is configured to create a fourth element based on a total number of the one or more files (see Kawamura Figs. 9-10 and cols. 5-6 and Woodward Figs. 5-6).

Regarding claim 23, the combination of Woodward and Kawamura, discloses the system of claim 20, wherein the processing unit includes a third generator that is configured to create a third element based on a time duration associated with the data, and the gating device is configured to create the identifier based on an exclusive-OR function applied to the third element ((see Kawamura Figs. 9-10 and cols. 5-6 and Woodward Figs. 5-6).

Cited References

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references relate to:

- a. Data select/mux bank adjusts the timing offset of the data being processed based on the offset information, and applies the time offset data to XOR banks (US 6639906).

b. Method and apparatus for seeking target address with error check code (Yamagami et al. US 4,800,549).


c. Optical disc player and method for reproducing thereof (Han et al. US 2005/0270949).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN T. PHAM whose telephone number is 571-272-7590. The examiner can normally be reached on Monday-Thursday from 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VP


THANG V. TRAN
PRIMARY EXAMINER